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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
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	NAL PAPER COMPAN	BEAUCHAINE, MARK J			
LOVELAND,	GE BOULEVARD OH 45140	ART UNIT	PAPER NUMBER		
			3653		
			DATE MAILED: 10/10/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE § MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extension from my be available inner the provision of 37 CFR 1.156(a). In no event, however, may a reply be timely filled If NO period for regly is specified above, the maximum stabilizing peaced will apply and will expire SIX (e) MONTHS from the maling date of this communication. Failty to require yimin the set or centered period for regly will by stable, cause the application become ABANDOBE (38 LS C.§ 1904). Any reduce any extence plantin the maling date of this communication, even if timely filled, may reduce any extense plantin time algorithment. Stee 37 CFR 1.704(b). Status 1) ☑ Responsive to communication(s) filled on 24 July 2006. 2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☑ Claim(s) 1-10 [s/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☑ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) is/are objected to by the Examiner. 10) ☑ The specification is objected to by the Examiner. 10) ☑ The drawing(s) filed on is/are objected is/are. a accepted or b) ☑ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or			Application No).	Applicant(s)	
Mark J. Beauchaine 3653	Office Action Summary		10/772,710		TEMLER ET AL.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available used the provisions of 37 CFR 1.136(n) in no event however, may reply be timely filled after 50X (p) MONTHS from the mailing date of this communication, and the state of the communication and the state of the communication and the state of the state of the communication and the state of the communication and the state of the communication, even if timely died, may reduce any senter paemic the mailing date of this communication, even if timely died, may reduce any senter paemic the mailing date of this communication, even if timely died, may reduce any senter paemic the mailing date of this communication, even if timely died, may reduce any senter paemic the mailing date of this communication, even if timely died, may reduce any senter paemic the mailing date of this communication, even if timely died, may reduce any senter paemic the mailing date of this communication, even if timely died, may reduce any senter paemic the mailing date of this communication, even if timely died, may reduce any senter paemic the mailing date of this communication, and the mailing date of this communication, even if timely died, may reduce any senter paemic the mailing date of this communication, and the page date of this communication and the mailing date of this communication, and the page date of this communication and the mailing date of this communication, and the page date of this communication, and the mailing date of this communication and the mailing date of			Examiner		Art Unit	· · · · · · · · · · · · · · · · · · ·
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DETAILED ACTION

Drawings

The drawings are objected to because of the following defect of Figure 3b:

The debris 15 and shield 41 are depicted as overlapping in a manner not possible. Link 79 is located in the same position as depicted in Figure 3a in lieu of being rotated counterclockwise to laterally move shield 41 to the left (downstream) so that the gap between the upstream conveyor 14 and the shield 41 is increased.

Appropriate correction is required.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining

Application/Control Number: 10/772,710

Art Unit: 3653

figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Optional and/or Suggestive Language

The use of optional and/or suggestive language "that does not require steps to be preformed or [] does not limit a claim to a particular structure" fails to limit the scope of the claim. (See M.P.E.P 2111.04.) The following term is optional and/or suggestive, and thus, the claim language subject to said term is given no patentable weight:

"adapted to" (claim 1, line 4 and claim 6, line 9).

Claim Objections

Claims 1-10 are objected to because of the following informalities:

The terms "means mounting" (claim 1, line 9; claim 2, line 1; claim 3, line 1; claim 6, line 13; claim 7, line 1; and claim 8, line 1) and "means biasing" (claim 4, line 1 and claim 9, line 1) are improper grammar.

Appropriate correction is required.

Art Unit: 3653

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "means biasing said shield (claim 1, line 10 and claim 6, line 14) lacks sufficient antecedent basis.

The term "downstream" (claim 1, lines 6 and 14; and claim 6, lines 11 and 18) should read "upstream" to conform to the disclosed location of proximal edge 46.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Application/Control Number: 10/772,710

Art Unit: 3653

Claims 1, 2, 4, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Patent Number US 6,371,304 B2 by Gambini ("Gambini"). The self-clearing apparatus disclosed by Gambini comprises shield 36 disposed between adjacent ends of upstream conveyor 22 and downstream conveyor 30, mounting/shaft means 37 for selecting degrees of covering the gap between said conveyors, shield biasing means 38 that biases said shield 36 towards a position of maximum gap coverage and permitting automatic movement of said shield towards a position of reduced coverage resulting from a clog of debris 13 associated with products12 transferred between the upstream conveyor 22 and the shield 36.

Allowable Subject Matter

The indication of allowable subject matter of Office action dated 3 May 2006 is hereby withdrawn. Claims 3, 5 and 8-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Claims 1-10 stand rejected. Claims 11 and 12 have been canceled by the Applicant. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone

Art Unit: 3653

number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjb

PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600